

CLOSED

**U.S. District Court
Western District of Pennsylvania (Erie)
CIVIL DOCKET FOR CASE #: 1:00-cv-00232-SJM**

NYHUIS v. USA
Assigned to: Judge Sean J. McLaughlin
Demand: \$0
Cause: 42:1983pr Prisoner Civil Rights

Date Filed: 08/04/2000
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner Civil
Rights (Prison Condition)
Jurisdiction: Federal Question

Plaintiff**DOUGLAS NYHUIS**represented by **DOUGLAS NYHUIS**

06548-040
FCI Loretto
P.O. Box 1000
Loretto, PA 15940
PRO SE

Alan J. Natalie
504 State Street
Suite 300
Erie, PA 16501
(814) 455-7467
TERMINATED: 09/27/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**UNITED STATES OF AMERICA**

represented by **Christy C. Wiegand**
United States Attorney's Office
700 Grant Street
Suite 4000
Pittsburgh, PA 15219
(412) 894-7452
Email: christy.wiegand@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laura Schleich Irwin
United States Attorney's Office
700 Grant Street
Suite 4000
Pittsburgh, PA 15219
(412) 644-3500

Email: Laura.Irwin@usdoj.gov
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/07/2000	1	MOTION by DOUGLAS NYHUIS to Proceed in Forma Pauperis with Proposed Order. (mad) (Entered: 08/07/2000)
08/10/2000	2	ORDER granting [1-1] motion to Proceed in Forma Pauperis and the Clerk is directed to file the complaint. Plaintiff's initial filing fee is \$91.88. Within twenty (20) days plaintiff shall authorize payment of the initial filing fee in the amount of \$91.88, together with subsequent monthly installments, by returning to the court one of two attached copies of the notice with the AUTHORIZATION section signed, or shall indicate his intention to withdraw the action by returning the notice with the WITHDRAWAL OF ACTION section signed. (signed by Magistrate Judge Susan P. Baxter on 8/9/00) CM all parties of record. (lrw) (Entered: 08/10/2000)
08/10/2000	3	COMPLAINT with summons issued; jury demand (lrw) (Entered: 08/10/2000)
08/21/2000	4	AUTHORIZATION by DOUGLAS NYHUIS permitting withdraw of prison account funds to pay filing fee. (mad) (Entered: 08/21/2000)
08/28/2000		COPY of Authorization sent to FCI McKean (lrw) (Entered: 08/28/2000)
09/21/2000	5	NOTICE of change of address by DOUGLAS NYHUIS as follows: PO Box 1000, Loretto, PA 15940. (mad) Modified on 09/26/2000 (Entered: 09/22/2000)
09/06/2001	6	ORDER, that on or before 10/5/01, Pltf shall to Show Cause for his failure to make payment of the required filing fee as ordered or suffer dismissal of this action for failure to prosecute. , Parties have 10 days to file Appeal to District Judge. (signed by Magistrate Judge Susan P. Baxter on 9/6/01) CM all parties of record. (mad) Modified on 11/29/2001 (Entered: 09/06/2001)
09/21/2001	7	RESPONSE by DOUGLAS NYHUIS to [6-1] order to Show Cause for his failure to make payment of the required filing fee as ordered prosecute. (mad) Modified on 11/29/2001 (Entered: 09/21/2001)
09/21/2001	8	AUTHORIZATION by DOUGLAS NYHUIS permitting withdraw of prison account funds to pay filing fee. (mad) (Entered: 09/21/2001)
11/02/2001		AUTHORIZATION FORM sent to FCI Loretto (lrw) (Entered: 11/02/2001)
11/13/2001	9	COPY OF SIGNED AUTHORIZATION FORM received from FCI Loretto. (mad) Modified on 11/29/2001 (Entered: 11/13/2001)
11/29/2001		INITIAL FILING PAYMENT of filing fee by DOUGLAS NYHUIS

		Amount \$ 91.88 Receipt # 02-119 (mad) (Entered: 11/29/2001)
12/20/2001		PARTIAL PAY of filing fee by DOUGLAS NYHUIS Amount \$ 23.32 Receipt # 02-160 (mad) (Entered: 12/26/2001)
01/16/2002		FINAL PAY of filing fee by DOUGLAS NYHUIS Amount \$ 34.80 Receipt # 02-218 (mad) (Entered: 01/16/2002)
01/16/2002	10	ORDER, that the U.S. Marshal is directed to mail a copy of the complaint, summons and this order to each deft as directed by pltf. Costs shall be advanced by the U.s. Parties have 10 days to file Appeal to District Judge. (signed by Magistrate Judge Susan P. Baxter on 1/15/02) CM all parties of record. (mad) Modified on 09/13/2002 (Entered: 01/16/2002)
05/02/2002	11	RETURN OF SERVICE executed as to USA, John Ashcroft, Attorney General 3/9/02 (mad) Modified on 05/13/2002 (Entered: 05/06/2002)
05/02/2002	12	RETURN OF SERVICE executed as to USA Mary Beth Buchanan, US Attorney 4/22/02 (mad) (Entered: 05/06/2002)
06/14/2002	13	MOTION by USA to Extend Time to file a responsive pleading pursuant to Federal Rule of Civil Procedure 6(b) with Proposed Order. (mad) (Entered: 06/17/2002)
06/19/2002		ORDER upon motion granting [13-1] motion to Extend Time to file a responsive pleading pursuant to Federal Rule of Civil Procedure 6(b), set Answer deadline to 7/19/02 for USA (signed by Magistrate Judge Susan P. Baxter on 6/18/02) CM all parties of record. (mad) (Entered: 06/19/2002)
07/10/2002	14	AMENDED COMPLAINT by DOUGLAS NYHUIS (Answer due 7/24/02 for USA) amending [3-1] complaint (mad) Modified on 07/12/2002 (Entered: 07/12/2002)
07/11/2002	15	MOTION by USA to Extend Time to file a responsive pleading to amended complaint with Proposed Order. (mad) Modified on 07/12/2002 (Entered: 07/12/2002)
07/12/2002		ORDER upon motion granting [15-1] motion to Extend Time to file a responsive pleading to amended complaint, set Answer deadline to 8/8/02 for USA (signed by Magistrate Judge Susan P. Baxter on 7/12/02) CM all parties of record. (mad) Modified on 07/12/2002 (Entered: 07/12/2002)
08/02/2002	16	MOTION by USA to Dismiss , or, in the alternative for Summary Judgment with Proposed Order. (Attorney: Laura Schleich Irwin) (mad) (Entered: 08/05/2002)
08/02/2002	17	BRIEF by USA in support of [16-1] motion to Dismiss by USA, [16-2] motion for Summary Judgment by USA (mad) (Entered: 08/05/2002)
08/22/2002	18	MOTION by DOUGLAS NYHUIS to Extend Time to file responsive pleadings with Proposed Order. (mad) (Entered: 08/23/2002)

08/22/2002	19	RESPONSE by USA to [18-1] motion to Extend Time to file responsive pleadings by DOUGLAS NYHUIS (mad) (Entered: 08/23/2002)
09/10/2002		ORDER upon motion granting [18-1] motion to Extend Time to file responsive pleadings, Response to Motion set to 10/15/02 for [16-1] motion to Dismiss, set to 10/15/02 for [16-2] motion for Summary Judgment (signed by Magistrate Judge Susan P. Baxter on 9/9/02) CM all parties of record. (mad) (Entered: 09/10/2002)
10/17/2002	20	MOTION by DOUGLAS NYHUIS for Leave to File amended complaint with Proposed Order. (mad) (Entered: 10/17/2002)
10/17/2002	21	BRIEF by DOUGLAS NYHUIS in opposition to [16-1] motion to Dismiss by USA (mad) (Entered: 10/17/2002)
10/23/2002	22	MOTION by USA to Extend Time to file a responsive pleading to third amended complaint with Proposed Order. (nk) (Entered: 10/24/2002)
10/30/2002	23	RESPONSE by DOUGLAS NYHUIS to [22-1] motion to Extend Time to file a responsive pleading to third amended complaint by USA (nk) (Entered: 10/30/2002)
11/08/2002	24	PARTIAL MOTION by USA to Dismiss Third Amended Complaint , for Summary Judgment with Proposed Order. (nk) (Entered: 11/08/2002)
11/08/2002	25	BRIEF by USA in support of [24-1] motion to Dismiss Third Amended Complaint by USA (nk) (Entered: 11/08/2002)
11/25/2002	26	MOTION by DOUGLAS NYHUIS to Extend Time to file an answer to Defendant's Third Partial Motion to Dismiss, or in the Alternative, for partial summary judgment with Proposed Order. (nk) (Entered: 11/25/2002)
12/23/2002	27	BRIEF by DOUGLAS NYHUIS in opposition to [24-1] motion to Dismiss Third Amended Complaint by USA, [24-2] motion for Summary Judgment by USA (nk) (Entered: 12/23/2002)
01/13/2003	28	REPORT AND RECOMMENDATION of Magistrate Judge Susan P. Baxter signed on 1/13/03 Recommending that granting in part, denying in part [24-1] motion to Dismiss Third Amended Complaint, granting in part, denying in part [24-2] motion for Summary Judgment, [16-1] motion to Dismiss be granted, [16-2] motion for Summary Judgment be granted ; The parties have 10 days from the date of service to file objections to this Report and Recommendation. (mad) (Entered: 01/14/2003)
01/13/2003	29	ORDER dismissing as moot [26-1] motion to Extend Time to file an answer to Defendant's Third Partial Motion to Dismiss, or in the Alternative, for partial summary judgment, dismissing as moot [22-1] motion to Extend Time to file a responsive pleading to third amended complaint, granting in part, denying in part [20-1] motion for Leave to File amended complaint (signed by Magistrate Judge Susan P. Baxter on 1/13/03) CM all parties of record. (mad) (Entered: 01/14/2003)

01/27/2003	30	MOTION by DOUGLAS NYHUIS to Stay order directing pltf to file second amended complaint within 20 days with Proposed Order. (mad) (Entered: 01/27/2003)
01/29/2003	31	RESPONSE by USA to [30-1] motion to Stay order directing pltf to file second amended complaint within 20 days by DOUGLAS NYHUIS (mad) (Entered: 01/30/2003)
02/05/2003	32	OBJECTION by DOUGLAS NYHUIS to [28-1] report and recommendations (mad) (Entered: 02/05/2003)
02/05/2003	33	SECOND AMENDED COMPLAINT by DOUGLAS NYHUIS (Answer due 2/19/03 for USA) amending [14-1] amended complaint by DOUGLAS NYHUIS (mad) (Entered: 02/05/2003)
02/05/2003	34	MOTION by DOUGLAS NYHUIS to hold SECOND AMENDED COMPLAINT in abeyance with Proposed Order. (mad) (Entered: 02/05/2003)
02/25/2003		ORDER upon motion granting [30-1] motion to Stay order directing pltf to file second amended complaint within 20 days (signed by Magistrate Judge Susan P. Baxter on 2/21/03) CM all parties of record. (nk) (Entered: 02/25/2003)
03/04/2003	35	ORDER granting [16-1] motion to Dismiss, granting [16-2] motion for Summary Judgment, and counts I, III, IV, and V are DISMISSED, and counts II and VI survive; granting in part, denying in part [24-1] motion to Dismiss Third Amended Complaint, granting in part, denying in part [24-2] motion for Summary Judgment, in that counts II, III and IV be dismissed ant counts I and V will survive, as the pltf has filed a Second amended Complaint in accordance with the Order entered as to his Motion for Leave to Amend (Doc. #20) adopting [28-1] report and recommendations (signed by Judge Sean J. McLaughlin on 3/4/03) CM all parties of record. (mad) Modified on 03/24/2003 (Entered: 03/04/2003)
03/19/2003	38	RESPONSE by USA to [37-1] motion for Reconsideration of [35-1] order adopting [28-1] report and recommendations by DOUGLAS NYHUIS (mad) (Entered: 03/20/2003)
03/20/2003	36	MOTION by DOUGLAS NYHUIS for Appointment of Counsel with Proposed Order. (mad) (Entered: 03/20/2003)
03/20/2003	37	MOTION by DOUGLAS NYHUIS for Reconsideration of [35-1] order adopting [28-1] report and recommendations with Proposed Order. (mad) (Entered: 03/20/2003)
03/27/2003	39	ORDER granting [37-1] motion for Reconsideration of [35-1] order adopting [28-1] report and recommendations and Count IV of pltf's AMENDED COMPLAINT is reinstated as timely brought. Counts I, IV and V shall proceed to trial. (signed by Judge Sean J. McLaughlin on 3/27/03) CM all parties of record. (mad) (Entered: 03/27/2003)
04/11/2003	40	MOTION by USA for Clarification of Complaint with Proposed Order.

		(mad) (Entered: 04/14/2003)
04/21/2003	41	MOTION by DOUGLAS NYHUIS for judgment , or, in the alternative, for leave to file interlocutory appeal with Proposed Order. (mad) Modified on 07/22/2004 (Entered: 04/21/2003)
04/21/2003	42	MOTION by DOUGLAS NYHUIS to Extend Time to file application for appeal under 28:1292 with Proposed Order. (mad) (Entered: 04/21/2003)
05/05/2003	43	NOTICE OF APPEAL by DOUGLAS NYHUIS from [39-1] order dated 3/27/03 TPO issued. (mad) (Entered: 05/05/2003)
05/05/2003		Certified copy of Notice of Appeal [43-1] appeal by DOUGLAS NYHUIS , certified copy of docket, certified copy of order dated 3/27/03 mailed to USCA; copy of Notice of Appeal and information sheet to DOUGLAS NYHUIS , court reporter(s), and judge. Copy of information sheet to appellant. (mad) (Entered: 05/05/2003)
05/05/2003		Record complete for Appeal purposes, certified copy of docket entries forwarded to USCA. (mad) (Entered: 05/05/2003)
05/05/2003		Certified and transmitted Record on Appeal to U.S. Court of Appeals: [43-1] appeal by DOUGLAS NYHUIS (mad) (Entered: 05/05/2003)
05/13/2003		ORDER upon motion granting [40-1] motion for Clarification of Complaint and that pltf is ordered to file a complaint that incorporates into Docket No. 33 the count reinstated by Judge McLaughlin (and nothing More). Deft shall have 15 days from receipt of service of this Complaint to file a responsive pleading. (signed by Magistrate Judge Susan P. Baxter on 5/12/03) CM all parties of record. (mad) (Entered: 05/13/2003)
05/19/2003		NOTICE of Docketing ROA from USCA Re: [43-1] appeal by DOUGLAS NYHUIS USCA Number: 03-2417 (mad) (Entered: 05/19/2003)
06/02/2003	44	MOTION by DOUGLAS NYHUIS to Amend [w/40] order with Proposed Order. (mad) (Entered: 06/02/2003)
06/02/2003	45	THIRD AMENDED COMPLAINT by DOUGLAS NYHUIS (Answer due 6/16/03 for USA) amending [33-1] amended complaint by DOUGLAS NYHUIS (mad) (Entered: 06/02/2003)
06/09/2003	46	ORDER dismissing as moot [34-1] motion to hold SECOND AMENDED COMPLAINT in abeyance, Parties have 10 days to file Appeal to District Judge. (signed by Magistrate Judge Susan P. Baxter on 6/9/03) CM all parties of record. (mad) Modified on 06/10/2003 (Entered: 06/10/2003)
06/16/2003	47	ANSWER by USA (Attorney Laura Schleich Irwin) to second amended complaint (mad) Modified on 06/17/2003 (Entered: 06/17/2003)
06/24/2003		ORDER upon motion dismissing as moot [44-1] motion to Amend [w/40] order (signed by Magistrate Judge Susan P. Baxter on 6/24/03)

		CM all parties of record. (mad) (Entered: 06/24/2003)
07/09/2003	48	MOTION by DOUGLAS NYHUIS to Stay proceedings with Proposed Order. (mad) (Entered: 07/09/2003)
07/11/2003	49	RESPONSE by USA to [48-1] motion to Stay proceedings by DOUGLAS NYHUIS (mad) (Entered: 07/11/2003)
07/14/2003		ORDER upon motion denying [48-1] motion to Stay proceedings (signed by Magistrate Judge Susan P. Baxter on 7/14/03) CM all parties of record. (mad) (Entered: 07/14/2003)
07/17/2003	50	Certified copy of JUDGMENT issued in lieu of a formal mandate received from USCA re: [43-1] appeal by DOUGLAS NYHUIS that the case is dismissed for failure to timely prosecute. (mad) (Entered: 07/17/2003)
07/17/2003		Record on Appeal returned from U.S. Court of Appeals: [0-0] appeal, [43-1] appeal (mad) (Entered: 07/17/2003)
07/29/2003	51	MOTION by DOUGLAS NYHUIS for Reconsideration of [48-1] order with Proposed Order. (mad) Modified on 07/29/2003 (Entered: 07/29/2003)
07/31/2003	52	MOTION by USA for Leave to File Response to pltf's motion for appointment of counsel with Proposed Order. (mad) (Entered: 08/01/2003)
08/13/2003	53	REPLY by DOUGLAS NYHUIS to Deft's Response in Opposition to Appointment of Counsel (mad) (Entered: 08/13/2003)
08/13/2003	54	Hearing on Motion held 8/13/03 @ 10:00 a.m. before Baxter, M.J. [Reporter: Janis Ferguson] Discovery sent out by Pltf & Deft by 10/1/03 w/depositions to be scheduled as late as 11/17/03. Pretrial Statement for Pltf- Friday, 12/19/03; Pretrial Statement for Deft - Friday 1/16/04. (mad) (Entered: 08/13/2003)
08/13/2003	56	NOTICE Opting Out of Arbitration by USA (mad) (Entered: 08/14/2003)
08/14/2003	55	RESPONSE by USA to [51-1] motion for Reconsideration of [48-1] order by DOUGLAS NYHUIS (mad) (Entered: 08/14/2003)
08/18/2003		ORDER upon motion granting [52-1] motion for Leave to File Response to pltf's motion for appointment of counsel (signed by Magistrate Judge Susan P. Baxter on 8/15/03) CM all parties of record. (mad) (Entered: 08/18/2003)
08/18/2003	57	ORDER denying [42-1] motion to Extend Time to file application for appeal under 28:1292, denying [41-1] motion for judgment (signed by Judge Sean J. McLaughlin on 8/18/03) CM all parties of record. (mad) (Entered: 08/18/2003)
08/18/2003	58	RESPONSE by USA to [36-1] motion for Appointment of Counsel by DOUGLAS NYHUIS (mad) (Entered: 08/18/2003)

08/19/2003	59	MOTION by USA for Leave to Depose Plaintiff with Proposed Order. (nk) (Entered: 08/20/2003)
09/03/2003		ORDER upon motion granting [59-1] motion for Leave to Depose Plaintiff (signed by Magistrate Judge Susan P. Baxter on 9/3/03) CM all parties of record. (mad) (Entered: 09/04/2003)
09/05/2003	60	MOTION by DOUGLAS NYHUIS to Alter or Amend [57-1] order with Proposed Order. (mad) (Entered: 09/05/2003)
09/09/2003	61	MEMORANDUM ORDER denying [60-1] motion to Alter or Amend [57-1] order (signed by Judge Sean J. McLaughlin on 9/9/03) CM all parties of record. (mad) (Entered: 09/10/2003)
09/22/2003	62	MOTION by DOUGLAS NYHUIS to Extend Time within which to complete discovery and to enlarge time to file objections or to answer interrogatories and respond to request for production of documents with Proposed Order. (mad) Modified on 07/22/2004 (Entered: 09/23/2003)
09/24/2003	63	RESPONSE by USA to [62-1] motion to Extend Time within which to complete discovery and to enlarge time to file objections or to answer interrogatories and respond to request for production of documents by DOUGLAS NYHUIS (mad) (Entered: 09/25/2003)
09/26/2003		ORDER upon motion granting [62-1] motion to Extend Time within which to complete discovery and to enlarge time to file objections or to answer interrogatories and respond to request for production of documents, Reset Discovery deadline to 10/14/03 , Reset deadline to respond to Defendant's written discovery requests to 11/14/03 , Reset Plaintiffs Pretrial Statements deadline for 1/2/04 , REset Plaintiffs Pretrial Statements deadline for 1/30/04 (signed by Judge Sean J. McLaughlin on 9/26/03) CM all parties of record. (nk) (Entered: 10/01/2003)
11/17/2003	64	MOTION by USA to Extend Time for discovery with Proposed Order. (sdp) (Entered: 11/21/2003)
11/25/2003		ORDER upon motion granting [64-1] motion to Extend Time for discovery, set Discovery deadline to 12/6/03 (signed by Magistrate Judge Susan P. Baxter on 11/25/03) CM all parties of record. (mad) (Entered: 12/03/2003)
12/08/2003	65	ORDER dismissing [51-1] motion for Reconsideration of [48-1] order, Parties have 10 days to file Appeal to District Judge. (signed by Magistrate Judge Susan P. Baxter on 12/4/03) CM all parties of record. (mad) (Entered: 12/10/2003)
12/29/2003	66	ORDER denying [36-1] motion for Appointment of Counsel, adopting [28-1] report and recommendations (signed by Magistrate Judge Susan P. Baxter on 12/29/03) CM all parties of record. (mad) (Entered: 12/29/2003)
01/07/2004	67	MOTION by DOUGLAS NYHUIS to Extend Time To File Pre-trial Statement with Proposed Order. (nk) (Entered: 01/07/2004)

01/12/2004		ORDER upon motion granting [67-1] motion to Extend Time To File Pre-trial Statement, Pretrial Order Deadlines: Pretrial Statements for Defendants due 2/20/04 ; (signed by Magistrate Judge Susan P. Baxter on 1/12/04) CM all parties of record. (mad) (Entered: 01/13/2004)
02/18/2004		Mailed record to USCA per request from Chiquita Dyer w/USCA 2/18/04 (mad) (Entered: 02/18/2004)
02/18/2004	68	PRETRIAL STATEMENT by DOUGLAS NYHUIS (mad) (Entered: 02/18/2004)
03/22/2004	69	MOTION by USA for Summary Judgment with Proposed Order. (mad) (Entered: 03/23/2004)
03/22/2004	70	BRIEF by USA in support of [69-1] motion for Summary Judgment by USA (mad) (Entered: 03/23/2004)
03/23/2004	71	MOTION by USA to Stay filing of deft's pretrial statement pending disposition of deft's motion for summary judgment with Proposed Order. (mad) (Entered: 03/25/2004)
04/02/2004		ORDER upon motion granting [71-1] motion to Stay filing of deft's pretrial statement pending disposition of deft's motion for summary judgment (signed by Magistrate Judge Susan P. Baxter on 4/1/04) CM all parties of record. (mad) (Entered: 04/02/2004)
04/05/2004	72	RESPONSE/BRIEF by DOUGLAS NYHUIS in opposition to [71-1] motion to Stay filing of deft's pretrial statement pending disposition of deft's motion for summary judgment by USA (nk) (Entered: 04/05/2004)
04/05/2004	73	MOTION by DOUGLAS NYHUIS to Extend Time with Proposed Order. (nk) (Entered: 04/05/2004)
04/29/2004		ORDER upon motion granting [73-1] motion to Extend Time, Response to Motion set to 5/14/04 for [69-1] motion for Summary Judgment (signed by Magistrate Judge Susan P. Baxter on 4/28/04) CM all parties of record. (mad) (Entered: 04/29/2004)
05/13/2004	74	RESPONSE by DOUGLAS NYHUIS to [69-1] motion for Summary Judgment by USA (nk) (Entered: 05/14/2004)
05/14/2004	75	MOTION by USA to Extend Time to file a reply to pltf's response to deft's motion for summary judgment with Proposed Order. (mad) (Entered: 05/17/2004)
06/02/2004		ORDER upon motion granting [75-1] motion to Extend Time to file a reply to pltf's response to deft's motion for summary judgment, Response to Motion set to 6/9/04 for [69-1] motion for Summary Judgment (signed by Magistrate Judge Susan P. Baxter on 6/1/04) CM all parties of record. (nk) (Entered: 06/02/2004)
06/03/2004	76	CERTIFIED COPY OF ORDER dated 5/21/04 from U.S. Court of Appeals for the Third Circuit directing that appellant's motion to reopen this appeal and motion to proceed in forma pauperis are granted.

		Appellee's motion for summary action is granted, and the appeal is dismissed for lack of appellate jurisdiction. This court has jurisdiction of appeals from final decisions of the district courts. In general a judgment is not final for purposes of appeal until the district court has disposed of all claims against all parties. Although appellant argues that the order he appeals is reviewable under the collateral order doctrine, an order dismissing claims against a deft on the bais of immunity where other claims remain pending in the district court does not satisfy the collateral order doctrine because the decision is effectively reviewable on appeal from the final judgment. (mad) Modified on 07/22/2004 (Entered: 06/03/2004)
06/09/2004	77	REPLY IN SUPPORT by USA to [69-1] motion for Summary Judgment by USA (mad) Modified on 07/22/2004 (Entered: 06/14/2004)
06/21/2004	78	MOTION by DOUGLAS NYHUIS for Leave to File to file surreply to deft's Reply in support of Motion for Summary Judgment with Proposed Order. (mad) (Entered: 06/22/2004)
07/09/2004	79	SURREPLY in Rebuttal to reply in support of deft's motion for summary judgment by DOUGLAS NYHUIS to (mad) (Entered: 07/09/2004)
07/22/2004	80	REPORT AND RECOMMENDATION of Magistrate Judge Susan P. Baxter signed on 7/22/04 Recommending that counsel be appointed for pltf. ; The parties have 10 days from the date of service to file objections to this Report and Recommendation. (mad) (Entered: 07/22/2004)
07/22/2004	81	ORDER dismissing without prejudice, [69-1] motion for Summary Judgment, because counsel has been appointed and pltf should be given the opportunity to obtain a medical expert. Parties have 10 days to file Appeal to District Judge. (signed by Magistrate Judge Susan P. Baxter on 7/22/04) CM all parties of record. (mad) (Entered: 07/22/2004)
07/22/2004	82	ORDER, that the Clerk of Courts is directed to provide copies of all documents contained in the above- captioned case files to Pltf's court-appointed attorney, Alan J. Natalie, Esq. within 20 days of the day of this Order. All coping costs to be borne by the U.S. Parties have 10 days to file Appeal to District Judge. (signed by Magistrate Judge Susan P. Baxter on 7/22/04) CM all parties of record.(mad) Modified on 07/22/2004 (Entered: 07/22/2004)
07/22/2004		Document # 70 was copied and Frank Fogl, Esq. took it to Alan J. Natalie, Esq. Office on 7/22/04 (mad) (Entered: 07/22/2004)
07/23/2004	83	MOTION by DOUGLAS NYHUIS to Strike deft's Expert Reports , or in the alternative to Compel disclosure or discovery with Proposed Order. (mad) (Entered: 07/23/2004)
07/27/2004		Record on Appeal returned from U.S. Court of Appeals: [43-1] appeal (nk) (Entered: 07/27/2004)
07/28/2004	84	MOTION TO RECONSIDER AND OBJECTION by USA to [80-1] report and recommendations (nk) (Entered: 07/29/2004)

07/30/2004	85	ORDER, adopting [80-1] report and recommendations (signed by Judge Sean J. McLaughlin on 7/30/04) CM all parties of record. (nk) (Entered: 07/30/2004)
08/09/2004	86	ORDER, the deft file a Response to Motion set to 8/25/04 for [83-1] motion to Strike deft's Expert Reports, set to 8/25/04 for [83-2] motion to Compel disclosure or discovery (signed by Judge Sean J. McLaughlin on 8/9/04) CM all parties of record. (mad) (Entered: 08/09/2004)
08/13/2004	87	Status Conference held 8/13/04 before Judge Sean J. McLaughlin [Reporter: Ron Bench] Oral renewed Motion for summary Judgment by the Deft U.S. under advisement. Motion to strike deft's Report (Doc 83) is denied. When Plaintiff's Expert Report is received, counsel will advise the court in writing. (mad) (Entered: 08/13/2004)
08/23/2004	88	MOTION by DOUGLAS NYHUIS for Appointment of Counsel with Proposed Order. (mad) (Entered: 08/23/2004)
08/23/2004	89	MOTION by DOUGLAS NYHUIS to Strike privileged information from the record. with Proposed Order. (mad) (Entered: 08/23/2004)
08/25/2004	90	MOTION by DOUGLAS NYHUIS for Alan J. Natalie to Withdraw as Attorney , and for reimbursement of expenses with Proposed Order. (mad) (Entered: 08/25/2004)
08/25/2004	91	UNDER SEAL - BRIEF by DOUGLAS NYHUIS regarding Expert Review(mad) Modified on 09/27/2004 (Entered: 08/25/2004)
08/30/2004	92	ORDER REFERRING CASE BACK to Judge Sean J. McLaughlin . (signed by Magistrate Judge Susan P. Baxter on 8/30/04) CM all parties of record. (mad) (Entered: 08/31/2004)
09/02/2004	93	MOTION by DOUGLAS NYHUIS to Strike [91-1] reply brief by DOUGLAS NYHUIS with Proposed Order. (mad) (Entered: 09/02/2004)
09/08/2004	94	RESPONSE by DOUGLAS NYHUIS to [90-1] motion for Alan J. Natalie to Withdraw as Attorney by DOUGLAS NYHUIS (mad) (Entered: 09/09/2004)
09/24/2004	95	Hearing on Motion held re: [89-1] motion to Strike privileged information from the record is DENIED but Doc. 91 is to be SEALED. by DOUGLAS NYHUIS, [88-1] motion for Appointment of Counsel by DOUGLAS NYHUIS is DENIED, but opportunity to obtain an expert GRANTED for a period of 60 days, [93-1] motion to Strike [91-1] reply brief by DOUGLAS NYHUIS by DOUGLAS NYHUIS is DENIED, [90-1] motion for Alan J. Natalie to Withdraw as Attorney by DOUGLAS NYHUIS is GRANTED [Reporter: Sondra Black] (sdp) (Entered: 09/27/2004)
09/27/2004		ORDER upon motion granting [90-1] motion for Alan J. Natalie to Withdraw as Attorney (Terminated attorney Alan J. Natalie for DOUGLAS NYHUIS, granting [90-2] motion for reimbursement of expenses. The Clerk is to reimburse Alan J. Natalie the sum of \$1,047.06, representing out of pocket expenses incurred by Attorney Natalie as

		counsel appointed by the Court. Payment to be disbursed from the Pro Hac Vice Fund. (signed by Judge Sean J. McLaughlin on 9/27/04) CM all parties of record. (sdp) Modified on 11/23/2004 (Entered: 09/27/2004)
10/13/2004	96	NOTICE of WITHDRAWAL AS COUNSEL for DOUGLAS NYHUIS by Alan Natalie, Esq. (mad) (Entered: 10/13/2004)
11/17/2004	97	MOTION by DOUGLAS NYHUIS to Extend Time to obtain and file expert medical report with Proposed Order. (mad) (Entered: 11/18/2004)
11/22/2004	98	TRANSCRIPT of Hearing for date of 9/24/04 before McLaughlin, J. Court Reporter: Sondra A. Black. (mad) (Entered: 11/22/2004)
11/23/2004	99	RESPONSE by USA in opposition to [97-1] motion to Extend Time to obtain and file expert medical report by DOUGLAS NYHUIS (sdp) (Entered: 11/24/2004)
11/23/2004	100	SECOND RENEWED MOTION by USA for Summary Judgment with Proposed Order. (sdp) (Entered: 11/24/2004)
12/08/2004	101	RESPONSE by DOUGLAS NYHUIS in opposition to [100-1] motion for Summary Judgment by USA (mad) (Entered: 12/08/2004)
12/13/2004	102	TRANSCRIPT STATUS CONFERENCE for date of 8/13/04 before McLaughlin, J.. Court Reporter: Ronald J. Bench. (mad) Modified on 12/13/2004 (Entered: 12/13/2004)
12/13/2004	103	Hearing on Motion held 12/12/04 before McLaughlin, J. re: [100-1] GRANTED FOR REASONS SET FORTH ON THE RECORD--- motion for Summary Judgment by USA, [97-1] DENIED--- motion to Extend Time to obtain and file expert medical report by DOUGLAS NYHUIS [Reporter: Ron Bench] (mad) (Entered: 12/13/2004)
12/14/2004	104	ORDER granting [100-1] motion for Summary Judgment, judgment is entered in favor of the deft, UNITED STATES OF AMERICA and against the pltf, Douglas Nyhuis (signed by Judge Sean J. McLaughlin on 12/14/04) CM all parties of record. (mad) (Entered: 12/14/2004)
12/14/2004		Case closed (mad) (Entered: 12/14/2004)
12/22/2004	105	JUDGMENT for USA against DOUGLAS NYHUIS. The Court grants def's renewed motion for summary judgment and judgment is entered in favor of the defendant and against the pltf for reasons set forth on the record 12-13-04. (signed by Judge Sean J. McLaughlin on 12/22/04) CM all parties of record. (sdp) (Entered: 12/22/2004)
12/29/2004	106	TRANSCRIPT of HEARING ON PRETRIAL MOTIONS for date of 12/13/04 before McLaughlin, J. Court Reporter: Ronald Bench. (mad) (Entered: 12/29/2004)
01/03/2005	107	MOTION by DOUGLAS NYHUIS to alter or Amend [104-1] order judgment is entered in favor of the deft, UNITED STATES OF AMERICA and against the pltf, Douglas Nyhuis with Proposed Order. (sdp) (Entered: 01/03/2005)

01/06/2005	108	MOTION by DOUGLAS NYHUIS to Compel appointed counsel to release case file (sdp) (Entered: 01/06/2005)
01/07/2005	109	ORDER, Brief in Opposition set to 1/21/05 for [108-1] motion to Compel appointed counsel to release case file (signed by Judge Sean J. McLaughlin on 1/7/05) CM all parties of record. (sdp) (Entered: 01/07/2005)
01/19/2005	110	ORDER, that the deft file a Response to Motion set to 2/8/05 for [107-1] motion to alter or Amend [104-1] order judgment is entered in favor of the deft, UNITED STATES OF AMERICA and against the pltf, Douglas Nyhuis (signed by Judge Sean J. McLaughlin on 1/19/05) CM all parties of record. (mad) (Entered: 01/19/2005)
01/21/2005	111	RESPONSE by DOUGLAS NYHUIS to [108-1] motion to Compel appointed counsel to release case file by DOUGLAS NYHUIS counsel Alan Natalie, Esq. (mad) (Entered: 01/21/2005)
01/21/2005	112	RESPONSE by USA in opposition to [107-1] motion to alter or Amend [104-1] order judgment is entered in favor of the deft, UNITED STATES OF AMERICA and against the pltf, Douglas Nyhuis by DOUGLAS NYHUIS (sdp) (Entered: 01/24/2005)
01/26/2005	113	ORDER denying [108-1] motion to Compel appointed counsel to release case file (signed by Judge Sean J. McLaughlin on 1/26/05) CM all parties of record. (sdp) (Entered: 01/27/2005)
01/31/2005	114	RESPONSE by DOUGLAS NYHUIS to [112-1] opposition response by USA (sdp) (Entered: 01/31/2005)
03/29/2005	115	ORDER denying [107-1] motion to alter or Amend [104-1] order judgment is entered in favor of the deft, UNITED STATES OF AMERICA and against the pltf, Douglas Nyhuis (signed by Judge Sean J. McLaughlin on 3/29/05) CM all parties of record. (sealed) (Entered: 03/29/2005)
06/01/2005	116	NOTICE OF APPEAL by DOUGLAS NYHUIS from [115-1] order dated 3/29/05 TPO issued. (mad) (Entered: 06/01/2005)
06/01/2005		Certified copy of Notice of Appeal [116-1] appeal by DOUGLAS NYHUIS , certified copy of docket, certified copy of order dated 3/29/05 mailed to USCA; copy of Notice of Appeal and information sheet to DOUGLAS NYHUIS , court reporter(s), and judge. Copy of information sheet to appellant. (mad) (Entered: 06/01/2005)
06/01/2005		Record complete for Appeal purposes, certified copy of docket entries forwarded to USCA. (mad) (Entered: 06/01/2005)
06/01/2005		Certified and transmitted Record on Appeal to U.S. Court of Appeals: [116-1] appeal by DOUGLAS NYHUIS (mad) (Entered: 06/01/2005)
06/15/2005		NOTICE of Docketing ROA from USCA Re: [116-1] appeal by DOUGLAS NYHUIS USCA Number: 05-2859 (mad) (Entered: 06/15/2005)

07/14/2005	<u>117</u>	NOTICE of Appearance by Christy C. Wiegand on behalf of UNITED STATES OF AMERICA (Wiegand, Christy) (Entered: 07/14/2005)
07/14/2005	<u>118</u>	ORDER of USCA as to [116] Notice of Appeal filed by DOUGLAS NYHUIS, (pr3,) (Entered: 07/14/2005)
07/14/2005	<u>119</u>	ORDER of USCA as to [116] Notice of Appeal filed by DOUGLAS NYHUIS, (pr3,) (Entered: 07/14/2005)
09/06/2005	<u>120</u>	APPEAL Partial Payment of Filing Fee by DOUGLAS NYHUIS. Fee \$ 100.92, receipt number 05-511 (sdp) Modified on 9/8/2005 (sdp). CHECK RETURNED-MADE PAYABLE TO ROBERT V. BARTH,JR. PAYMENT NOT APPLICABLE. (Entered: 09/06/2005)
11/04/2005	<u>121</u>	JUDGMENT OF USCA (certified copy) as to [116] Notice of Appeal filed by DOUGLAS NYHUIS, (pr3,) (Entered: 11/04/2005)
11/04/2005	<u>122</u>	JUDGMENT OF USCA (certified copy) as to [116] Notice of Appeal filed by DOUGLAS NYHUIS, (pr3,) (Entered: 11/07/2005)

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